

Appl. No. 10/642,567

Response to Restriction Requirement of September 25, 2006

Response to the Office Action of May 26, 2006

REMARKS/ARGUMENT

The applicant responds to the restriction requirement under 35 U.S.C. § 121 of the Office Action of May 26, 2006.

A three-month extension of time with a check for the official fee accompanies this response. If the amount of the check is incorrect, please charge or credit Deposit Account Number 12-1210.

Claims 1 through 21 are pending in the application.

The Examiner applied a restriction requirement under 35 U.S.C. § 121 and divided the claims into three groups. The applicant elects the claims of Group I with traverse and requests reconsideration. The applicant identifies the species of Figures 4 and 8 as described on pages 9 and 10 of the specification and recited in claim 9.

The applicant traverses the restriction requirement because the device of Group II in claims 11 through 16 and the device of Group III in claims 17 through 21 basically represent the adaptation of the technology of claims 1 through 4 applied to different devices with the device of Group III including the additional technology of claim 10. This commonality should permit the Examiner to conduct a single search that is non-burdensome.

The applicant has already received patent protection in the United Kingdom for the device of Group II and is currently in negotiations concerning the development of the device of Group I in the United States. Forcing the applicant to choose between seeking protection of the device of Group I or the device of Group II adversely delays valuable protection.

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As a small entity the applicant has limited funding for protecting his intellectual property and respectfully requests the Examiner to conduct a search on the subject matter of all of the devices of Group I, Group II, and Group III as opposed to the applicant's specific embodiments. The applicant attaches a search report conducted by the United Kingdom Patent Office on a similar set of claims presented in the United Kingdom. An Information Disclosure Statement with copies of the non-U.S. citations will follow.


The applicant elects Group I with traverse because, as the Examiner indicates, the generic claims 1 through 4 and 10 have not been determined to be allowable or not. The applicant requests that examination of the generic claims in relation to Group I, Group II, and Group III be conducted and, if the generic claims are determined not to be allowable, to require a restriction between Group I, Group II, or Group III.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration is requested.

Respectfully submitted,

25 Sep 06

Date



Paul Grandinetti
Reg. No. 30,754

LEVY & GRANDINETTI
Suite 408
1725 K Street, N.W.
Washington, D.C. 20006-1419

(202) 429-4560



INVESTOR IN PEOPLE

Your ref : JC/SPY
Application No: GB0219317.5
Applicant : Stefan Knox

Examiner : Rhiannon Jenkins
Tel : 01633 813953
Date of report : 23 May 2005

Latest date for reply: 23 September 2005

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Patents Act 1977 Examination Report under Section 18(3)

Further search

* 1. Please note that the search update included a further search, carried out in classification mark G01P7/00 which was applied to your invention by the EPO. Citations US 6134965, WO 89/10166 and DE 3436218 were found during the search update. *

Novelty – Section 1(1)(a)

2. The invention as defined in claims 1, 2, 9, 20, 21, 22 and 25 is not new because it has already been disclosed in the following documents. Along with a top-up search, a further search was carried out in classification mark G01P7/00, applied to your invention by the EPO. Citations US 6134965, WO 89/10166 and DE 3436218 were found during the search update.

US 6134965 A (SOMVILLE) - See whole document, in particular column 2
WO 89/10166 A1 (IMPULSE SPORTS) - See fig 1 and pages 4 to 6

3. US 6134965 discloses a device for measuring the strike velocity of a game ball being struck by a racquet or bat. A piezoelectric sensor is mounted onto the strings of the racquet and measures the contact force of the ball from the vibration of the racket strings. The sensor sends an output signal to a microprocessor, which analyses the signals according to pre-input features of the ball and racquet. The velocity of the ball is calculated and displayed on a LCD screen. Therefore this document anticipates claims 1, 9, 20, 21, 22 and 25.

4. WO 89/10166 discloses a sports impact measuring apparatus for indicating characteristics, such as velocity, of an externally applied impact. A piezoelectric strip is attached to the apparatus and detects deformation of the apparatus when an impact such as a punch is applied. The apparatus may be retro-fitted to existing impact-receiving products. Therefore this document anticipates claims 1, 2, 20 and 25.



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Application No: GB 0219317.5
Claims searched: All

Examiner: Kate Twin
Date of search: 22 October 2003

Patents Act 1977 : Search Report under Section 17

Documents considered to be relevant:

Category	Relevant to claims	Identity of document and passage or figure of particular relevance	
X	1-5	CA2213901	(FORREST) Whole document
X	1,2	JP2001129246	(NAMCO) Whole document
X	1,2	JP010207085	(YAMAHA) WPI Abstract
X	1,2	JP2001017597	(TORU) WPI Abstract
X	1,2	JP100118238	(MARSH) WPI Abstract
X	1,9	SU1261679	(GRAZH) WPI Abstract
X	1,9	DE10103449	(HEINZ) WPI Abstract

Categories:

X	Document indicating lack of novelty or inventive step	A	Document indicating technological background and/or state of the art
Y	Document indicating lack of inventive step if combined with one or more other documents of same category	P	Document published on or after the declared priority date but before the filing date of this invention
&	Member of the same patent family	E	Patent document published on or after, but with priority date earlier than, the filing date of this application

Field of Search:

Search of GB, EP, WO & US patent documents classified in the following areas of the UKC^v:

A6D, G1N

Worldwide search of patent documents classified in the following areas of the IPC⁷:

A63B, G01L, G01P, A43B, G01N

The following online and other databases have been used in the preparation of this search report:

Online: EPODOC, WPI, PAJ